

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:22-CR-077-E

v.

ECF

HERNAN OSCAR GUTIERREZ

**MOTION FOR DETENTION AND
CONTINUANCE OF DETENTION HEARING**

The United States moves for pretrial detention of defendant, Hernan Oscar Gutierrez, pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

☐ Crime of violence (18 U.S.C. § 3156)

☐ Maximum sentence life imprisonment or death

☒ 10 + year drug offense

☐ Felony, with two prior convictions in above categories

☒ Serious risk defendant will flee

☐ Serious risk obstruction of justice

☐ Felony involving a minor victim

☒ Felony involving a firearm, destructive device, or any other dangerous weapon

☐ Felony involving a failure to register (18 U.S.C. § 2250)

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

 X Defendant's appearance as required

 X Safety of any other person and the community

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against defendant because (check one or both):

 X Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c)

 Probable cause to believe defendant committed a federal crime of terrorism, 18 U.S.C. § 2332b(g)(5)

 Probable cause to believe defendant committed an offense involving a minor, 18 U.S.C. §§ 1201, 2251

 Previous conviction for "eligible" offense committed while on bond

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing,

 At first appearance

 X After continuance of **3** days (not more than 3).

DATED this 11th day of March, 2022.

Respectfully submitted,

CHAD E. MEACHAM
UNITED STATES ATTORNEY

s/ John J. Boyle
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CERTIFICATE OF SERVICE

I hereby certify that on **March 11, 2022**, I electronically filed the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the electronic case filing system of the Court. I do not know the attorney who will represent the defendant; however, I hereby certify that I will hand-deliver a copy of the foregoing document to the attorney or the defendant at the first available opportunity to do so.

s/ John J. Boyle
JOHN J. BOYLE
Assistant United States Attorney